

REMARKS

Claims 1-28 are pending in the present application.

The Examiner has required election in the present application among:

Group I, Claims 1-26 drawn to compounds and compositions reading on X is N, m is 2, n is 2, p is 0, R<sup>1</sup> is phenyl, Z is phenyl with the proviso that none of the substituents on the X ring form bridges or double bonds, drawn to 1,4-diphenyl piperidines, shown as structure **I** in Figure 1. If this group is elected, a further election of a single disclosed species is also required. Further restriction based on the election may be made.

Group II, Claims 1-26 drawn to compounds and compositions reading on X is N, m is 2, n is 2, p is 0, R<sup>1</sup> is phenyl, Z is a heteroaryl, with the proviso that none of the substituents on the X ring form bridges or double bonds, drawn to 1-phenyl-4-heteroaryl-piperidines, shown as structure **II** in Figure 1. If this group is elected, a further election of a single disclosed species is also required. Further restriction based on the election may be made.

Group III, Claims 1-26 drawn to compounds and compositions reading on X is N, m is 2, n is 2, p is 0, Z is phenyl, R<sup>1</sup> is a heteroaryl, with the proviso that none of the substituents on the X ring form bridges or double bonds, drawn to 1-heteroaryl-4-phenyl-piperidines, shown as structure **III** in Figure 1. If this group is elected, a further election of a single disclosed species is also required. Further restriction based on the election may be made.

Group IV, Claims 1-26 drawn to compounds and compositions reading on X is CR<sup>15</sup>, R<sup>15</sup> is NR<sup>19</sup>R<sup>20</sup>, and R<sup>19</sup> and R<sup>20</sup> form piperazine, m is 2, n is 2, p is 0, Z is phenyl, with the proviso that none of the substituents on the X ring form bridges or double bonds, drawn to 1-piperazinyl-4-phenyl-cyclohexanes, shown as structure **IV** in Figure 1. If this group is elected, a further election of a single disclosed species is also required. Further restriction based on the election may be made.

Group V, Claims 1-26 drawn to compounds and compositions reading on X is CR<sup>15</sup>, R<sup>15</sup> is NR<sup>19</sup>R<sup>20</sup>, and where R<sup>19</sup> and R<sup>20</sup> do not form a ring, m is 2, n is 2, p is 0, Z is phenyl, , with the proviso that none of the substituents on the X ring form bridges or double bonds, drawn to 1-amino-4-phenyl-cyclohexanes, shown as structure **V** in Figure 1. If this group is elected, a further election of a single disclosed species is also required. Further restriction based on the election may be made.

Group VI, Claims 1-26 drawn to compounds and compositions reading on X is CR<sup>15</sup>, R<sup>15</sup> is NR<sup>19</sup>R<sup>20</sup>, and where R<sup>19</sup> and R<sup>20</sup> form a piperidine ring, m is 2, n is 2, p is 0, Z is

phenyl, , with the proviso that none of the substituents on the X ring form bridges or double bonds, drawn to 1-piperidinyl-4-phenyl-cyclohexanes, shown as structure **VI** in Figure 1. If this group is elected, a further election of a single disclosed species is also required. Further restriction based on the election may be made.

Group VII, Claims 1-26 drawn to compounds and compositions reading on X is N, m is 2, n is 2, p is other than 0, R<sup>1</sup> is phenyl, Z is a phenyl drawn to 1-aralkyl-4-phenyl-piperidines, with the proviso that none of the substituents on the X ring form bridges or double bonds, shown as structure **VII** in Figure 1. If this group is elected, a further election of a single disclosed species is also required. Further restriction based on the election may be made.

Group VIII, Claims 1-26 drawn to compounds and compositions reading on X is N, m is 2, n is 2, p is 0, Z is phenyl, R<sup>1</sup> is a phenyl, where on the X ring the carbons adjacent to the nitrogen form a bridging ethyl group, drawn to diphenyl-tropanes, shown as structure **VIII** in Figure 1. If this group is elected, a further election of a single disclosed species is also required. Further restriction based on the election may be made.

Group IX, Claims 1-26 drawn to compounds and compositions reading on X is N, m is 2, n is 2, p is 0, Z is phenyl, R<sup>1</sup> is a phenyl, where on the X ring the carbons adjacent to the nitrogen form a bridging propyl group, drawn to diphenyl-azabicyclononanes, shown as structure **IX** in Figure 1. If this group is elected, a further election of a single disclosed species is also required. Further restriction based on the election may be made.

Group X, Claims 1-26 drawn to compounds and compositions reading on X is CR<sup>15</sup>, R<sup>15</sup> is NR<sup>19</sup>R<sup>20</sup>, and R<sup>19</sup> and R<sup>20</sup> form morpholine, m is 2, n is 2, p is 0, Z is phenyl, with the proviso that none of the substituents on the X ring form bridges or double bonds, drawn to 1-morpholinyl-4-phenyl-cyclohexanes, shown as structure **X** in Figure 1. If this group is elected, a further election of a single disclosed species is also required. Further restriction based on the election may be made.

Group XI, Claims 1-26 drawn to compounds and compositions reading on X is N, m is 2, n is 2, p is 0, Z is phenyl, R<sup>1</sup> is a aralkyl, where on the X ring the carbons adjacent to the nitrogen form a bridging ethyl group, drawn to N-aralkylphenyl-tropanes, shown as structure **XI** in Figure 1. If this group is elected, a further election of a single disclosed species is also required. Further restriction based on the election may be made.

Group XII, Claims 1-26 drawn to compounds and compositions reading on X is N, m is 3, n is 2, p is 0, R<sup>1</sup> is phenyl, Z is phenyl with the proviso that none of the substituents on the X ring form bridges or double bonds, drawn to 1,4-diphenyl azepines, shown as structure **XII** in Figure 1. If this group is elected, a further election of a single disclosed species is also required. Further restriction based on the election may be made.

Group XIII, Claims 1-26 drawn to compounds and compositions reading on X is N, m is 2, n is 2, p is 0, Z is  $\text{NR}^9\text{R}^{10}$ , where  $\text{R}^9$  and  $\text{R}^{10}$  form piperidine, and  $\text{R}^1$  is phenyl with the proviso that none of the substituents on the X ring form bridges or double bonds, drawn to 1-piperidinyl-4-phenyl-piperidines, shown as structure **XIII** in Figure 1. If this group is elected, a further election of a single disclosed species is also required. Further restriction based on the election may be made.

Group XIV, Claims 1-26 drawn to compounds and compositions reading on X is  $\text{CR}^{15}$ ,  $\text{R}^{15}$  is  $\text{NR}^{19}\text{R}^{20}$ , and where  $\text{R}^{19}$  and  $\text{R}^{20}$  do not form a ring, m is 3, n is 2, p is 0, Z is phenyl, with the proviso that none of the substituents on the X ring form bridges or double bonds, drawn to 1-amino-4-phenyl-cycloheptanes, shown as structure **XIV** in Figure 1. If this group is elected, a further election of a single disclosed species is also required. Further restriction based on the election may be made.

Group XV, Claims 1-26 drawn to compounds and compositions reading on X is N, m is 2, n is 2, p is 0,  $\text{R}^1$  is a phenylsulfonamide, Z is a phenyl, with the proviso that none of the substituents on the X ring form bridges or double bonds, drawn to 1-phenylsulfonamide-4-phenyl-piperidines, shown as structure **XV** in Figure 1. If this group is elected, a further election of a single disclosed species is also required. Further restriction based on the election may be made.

Group XVI, Claims 1-26 drawn to compounds and compositions reading on compounds other than those of groups I-XV. If this group is elected, a further election of a single disclosed species is also required. Further restriction based on the election will be made.

Group XVII, Claim 27, drawn to methods of treating diseases, , limited in scope to one of the compounds of groups I-XVI. If this group is elected, a single disclosed disease and a single disclosed species useful in treating diseases, is also required. Further restriction based on the election may be made.

**For the purpose of examination of the present application, Applicants elect, without traverse, Group XVI, Claims 1-26.**

The Examiner further requires election of a single disclosed species for purposes of initial search. **Applicants elect the species of Example 136** (cis-4-[(biphenyl-4-ylmethyl)amino]-1-(3-methoxyphenyl)cyclohexanecarboxamide - shown at page 271 of the English translation of the International Application) **for initial search**. This election is made with the understanding that,

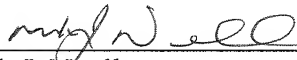
should the elected species be found allowable, the Examiner will expand the search to determine patentability of a generic claim.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell, Ph.D., Registration No. 36,623 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: February 13, 2009

Respectfully submitted,

By   
Mark J. Nuell  
Registration No.: 36,623  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
12770 High Bluff Drive, Suite 260  
San Diego, California 92130  
(858) 792-8855  
Attorney for Applicant